

LAW OFFICES OF MARC J. WODIN  
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Telephone (818) 595-3490  
Fax (818) 595-3494

Attorneys for Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAMELA THOMPSON, Individually )	CASE NO.: C 07-05437 MEJ
and as Personal )	
Representative of CHARLES )	[Sonoma County Superior
THOMPSON, Deceased, )	Court Case No. 241544]
)	
Plaintiff, )	PROOF OF SERVICE RE: NOTICE
)	OF ASSIGNMENT OF CASE TO A
vs. )	UNITED STATES MAGISTRATE
)	JUDGE FOR TRIAL; ORDER
CONSECO SENIOR HEALTH )	SETTING INITIAL CASE
INSURANCE COMPANY, a )	MANAGEMENT CONFERENCE AND
Pennsylvania corporation, )	ADR DEADLINES; CONTENTS OF
DOES 1 through XX )	JOINT CASE MANAGEMENT
)	STATEMENT; AND CONFORMED
)	COPIES OF CERTIFICATION OF
Defendant(s). )	INTERESTED ENTITIES OR
)	PARTIES

Assigned to: The Honorable  
Maria-Elena James

TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA AND TO THE INTERESTED PARTIES AND THEIR ATTORNEYS OF  
RECORD:

DATED: October 26, 2007

LAW OFFICES OF MARC J. WODIN

By /s/ Marc J. Wodin  
MARC J. WODIN  
Attorneys for Defendant CONSECO  
SENIOR HEALTH INSURANCE COMPANY

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within entitled action. My business address is 21600 Oxnard Street, Suite 1110, Woodland Hills, California 91367.

On October 26, 2007, I served the following described as:  
**PROOF OF SERVICE RE: NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; AND CONFORMED COPIES OF CERTIFICATION OF INTERESTED ENTITIES OR PARTIES,** on the interested parties in this action by electronically filing a true copy thereof with the United States District Court - Northern District of California pursuant to the CM/ECF procedures in the U.S. District Court-Northern District Local Rules and FRCP 5(b)(2)(D):

**[X] (BY AUTOMATIC SERVICE)** The Notice of Electronic Filing will be generated by CM/ECF and electronically mailed to the offices of the consenting addressee as follows:

John E. Hill  
Michael P. Guta  
Law Offices of John E. Hill  
8105 Edgewater Drive, Suite 100  
Oakland, CA 94621

Telephone: (510) 588-1000  
Facsimile: (510) 729-6333

**Attys for Plaintiff**

/s/ ANN MARIE LUNA  
ANN MARIE LUNA (original signature  
retained by attorney Marc J. Wodin)



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT OF CASE  
TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL

Pursuant to General Order 44, the Assignment Plan of the United States District Court  
for the Northern District of California, this case has been randomly assigned to Magistrate Judge

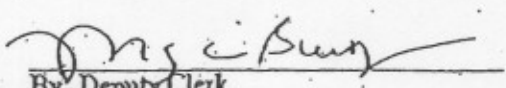
MARIA-ELENA JAMES

Pursuant to Title 28 U.S.C. § 636(c), with written consent of all parties, a magistrate  
judge may conduct all proceedings in the case. Attached is a form to complete if you consent to  
proceed before the assigned magistrate judge and a form to complete if you decline to proceed  
before the assigned magistrate judge. Electronic versions of both forms are also available at the  
Court's Internet site: <http://www.cand.uscourts.gov>. Click on Forms-Civil. A party is free to  
withhold consent without adverse consequences. If a party declines to consent, the case will be  
randomly reassigned to a district judge and a case management conference will be scheduled on  
the district judge's calendar as close as possible to the date presently scheduled before the  
magistrate judge.

You must file your consent or declination by the deadline for filing the initial case  
management statement.

The plaintiff or removing party shall serve a copy of this notice and all attachments upon  
all other parties to this action pursuant to Federal Rules of Civil Procedure 4 and 5.

FOR THE COURT  
RICHARD W. WIEKING, CLERK

  
By: Deputy Clerk

MARY ANN BUCKLEY



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PAMELA THOMPSON,

Plaintiff (s),

v.

CONSECO SENIOR HEALTH INS CO,  
Defendant(s).

No. C 07-05437-MEJ

ORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE  
AND ADR DEADLINES

E-filing

IT IS HEREBY ORDERED that this action is assigned to the Honorable Maria-Elena James. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the Notice of Assignment of Case to a United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov). A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

## CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
10/24/2007	Notice of removal filed	
1/10/2008	*Last day to: • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference	<u>FRCivP 26(f) &amp; ADR L.R.3-5</u>  <u>Civil L.R. 16-8</u>
1/24/2008	*Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <a href="http://www.cand.uscourts.gov">http://www.cand.uscourts.gov</a> )	<u>FRCivP 26(a) (1)</u> <u>Civil L.R. 16-9</u>
1/31/2008	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Ctrm. B, 15th Floor, SF at 10:00 AM	<u>Civil L.R. 16-10</u>

\* If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

**STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF  
CALIFORNIA**

**CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

Commencing March 1, 2007, all judges of the Northern District of California will require the identical information in Joint Case Management Statements filed pursuant to Civil Local Rule 16-9. The parties must include the following information in their statement which, except in unusually complex cases, should not exceed ten pages:

1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over plaintiff's claims and defendant's counterclaims, whether any issues exist regarding personal jurisdiction or venue, whether any parties remain to be served, and, if any parties remain to be served, a proposed deadline for service.
2. Facts: A brief chronology of the facts and a statement of the principal factual issues in dispute.
3. Legal Issues: A brief statement, without extended legal argument, of the disputed points of law, including reference to specific statutes and decisions.
4. Motions: All prior and pending motions, their current status, and any anticipated motions.
5. Amendment of Pleadings: The extent to which parties, claims, or defenses are expected to be added or dismissed and a proposed deadline for amending the pleadings.
6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues reasonably evident in this action, including interdiction of any document-destruction program and any ongoing erasures of e-mails, voice mails, and other electronically-recorded material.
7. Disclosures: Whether there has been full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any proposed limitations or modifications of the discovery rules, and a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f).
9. Class Actions: If a class action, a proposal for how and when the class will be certified.
10. Related Cases: Any related cases or proceedings pending before another judge of this court, or before another court or administrative body.
11. Relief: All relief sought through complaint or counterclaim, including the amount of any



damages sought and a description of the bases on which damages are calculated. In addition, any party from whom damages are sought must describe the bases on which it contends damages should be calculated if liability is established.

12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key discovery or motions necessary to position the parties to negotiate a resolution.

13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.

14. Other References: Whether the case is suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion, suggestions to expedite the presentation of evidence at trial (e.g., through summaries or stipulated facts), and any request to bifurcate issues, claims, or defenses.

16. Expedited Schedule: Whether this is the type of case that can be handled on an expedited basis with streamlined procedures.

17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of dispositive motions, pretrial conference and trial.

18. Trial: Whether the case will be tried to a jury or to the court and the expected length of the trial.

19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. **In addition**, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

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 2 Elana Bitton, Esq. - SBN. 130835  
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 3 Woodland Hills, California 91367  
 Telephone (818) 595-3490  
 4 Fax (818) 595-3494

ORIGINAL  
 FILED

OCT 24 2007

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

5 Attorneys for Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY  
 6

7 UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9

MEJ

10 PAMELA THOMPSON, Individually )  
 11 and as Personal )  
 Representative of CHARLES )  
 12 THOMPSON, Deceased, )

CASE NO.

13 )  
 14 )  
 15 )  
 16 )  
 17 )  
 18 )  
 19 )

Plaintiff,

CERTIFICATION OF INTERESTED  
 ENTITIES OR PARTIES

14 vs.

[Sonoma County Superior  
 Court Case No. 241544]

15 CONSECO SENIOR HEALTH )  
 INSURANCE COMPANY, a )  
 16 Pennsylvania corporation, )  
 DOES 1 through XX )  
 17 )  
 18 )  
 19 )

Defendant(s).

20 TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
 21 CALIFORNIA AND TO THE INTERESTED PARTIES AND THEIR ATTORNEYS OF  
 22 RECORD:

23 Pursuant to Civil Local Rule 3-16, the undersigned, counsel  
 24 of record for Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY  
 25 ("Defendant"), certifies that as of this date, other than the  
 26 named parties, there is no such interest to report. These

27 / / /

28 / / /

Law Offices  
 Marc J. Wodin

CERTIFICATION OF INTERESTED ENTITIES OR PARTIES

CERTIFICATION OF INTERESTED ENTITIES OR



1 representations are made to enable the Court to evaluate possible  
2 disqualification or recusal.

3  
4 DATED: October 23, 2007

LAW OFFICES OF MARC J. WODIN

5  
6  
7 By 

MARC J. WODIN  
Attorneys for Defendant CONSECO  
SENIOR HEALTH INSURANCE COMPANY



**PROOF OF SERVICE**

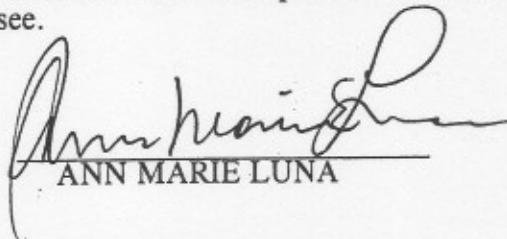
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the withing entitled action. My business address is 21600 Oxnard Street, Suite 1110, Woodland Hills, California 91367.

On October 23, 2007, I served the following described as: **CERTIFICATION OF INTERESTED ENTITIES OR PARTIES**, on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED LIST**

- ☒ **(BY MAIL)** I am "readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage fully prepaid at Woodland Hills, California in the ordinary course of business.
- ☐ **(BY FAX)** I caused such document to be delivered by fax transmission to the offices of the addressee.
- ☐ **(BY PERSONAL DELIVERY)** I caused such envelope to be delivered by hand to the offices of the addressee.

  
ANN MARIE LUNA

**SERVICE LIST**

Pamela Thompson, et al v. Consecro Sr. Health Ins Co

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Michael P. Guta  
Law Offices of John E. Hill  
8105 Edgewater Drive, Suite 100  
Oakland, CA 94621

Telephone: (510) 588-1000

Facsimile: (510) 729-6333

**Attys for Plaintiff**